

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROCEP LUSOL HOLDINGS LIMITED

Plaintiff,

v.

PERMATEX, INC., and
ULTRAMOTIVE CORPORATION

Defendants.

CIVIL ACTION NO.

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

Plaintiff Rocep Lusol Holdings Limited alleges as follows:

Parties

1. Rocep Lusol Holdings Limited (hereafter referred to as “Rocep Lusol” or “Plaintiff”) is a private limited company organized under the laws of Scotland, United Kingdom, having its principal place of business at Rocep Business Park, Rocep Drive, Deanpark, Renfrew, PA4 8XY, Scotland.

2. On information and belief, defendant Permatex Inc. (“Permatex”) is a corporation organized under the laws of the State of Delaware, with a principal place of business at 10 Columbus Blvd., Hartford, Connecticut 06106. Permatex does business throughout the country and in the District of Delaware and is subject to the jurisdiction of this Court. Permatex’s registered agent in Delaware is The Corporate Trust Company, Corporate Trust Center, 1209 Orange Street, Wilmington, DE 19801.

3. On information and belief, defendant Permatex is a subsidiary of Illinois Tool Works, Inc. ("ITW"), which is also incorporated in the State of Delaware, with a registered agent at The Corporate Trust Company, Corporate Trust Center, 1209 Orange Street, Wilmington, DE 19801.

4. On information and belief, defendant Ultramotive Corporation ("Ultramotive") is a corporation with a principal place of business at Cushing Blvd., Bethel, Vermont 05032. Ultramotive does business throughout the country and in the District of Delaware and is subject to the jurisdiction of this Court.

5. Rocep Lusol is the assignee of the entire right, title and interest in United States Letters Patent No. 6,685,064 ("the '064 patent") entitled "Dispensing Apparatus", which issued on February 3, 2004. A copy of the '064 patent is attached hereto as Exhibit A.

Jurisdiction and Venue

6. This is a complaint for infringement of a United States patent under 35 U.S.C. §§ 271 and 281.

7. Jurisdiction arises under 28 U.S.C. §§ 1331, 1332 and 1338.

8. Venue in this district is proper under 28 U.S.C. §§ 1391(b), (c) and 1400.

COUNT I

PATENT INFRINGEMENT

9. This cause of action for patent infringement arises out of 35 U.S.C. § 271(a).

10. The '064 patent grants Rocep Lusol the right to prevent others from making, having made, using, importing, advertising, selling and offering for sale particular dispensers for controlling dispensing of a flowable product from a container. Claim 1 relates to an embodiment of the dispenser which includes a container with a product chamber. A tilt valve is positioned

adjacent to the product chamber. A lever is attached to the container through a hinge assembly and controls opening of the valve through displacement of a nozzle. Claim 6 recites that the lever includes two bearing portions that are located on opposite sides of the valve.

11. On information and belief, Ultramotive has directly infringed the '064 patent by making, having made, using, selling and/or offering for sale dispenser products which are covered by at least claims 1 and 6 of the '064 patent.

12. Ultramotive's infringement of the '064 patent has deprived, and will deprive, Rocep Lusol of sales which they otherwise would have made.

13. On information and belief, Permatex has directly infringed the '064 patent by using, selling and/or offering for sale dispenser products which are covered by at least claims 1 and 6 of the '064 patent.

14. Permatex's infringement of the '064 patent has deprived, and will deprive, Rocep Lusol of sales which they otherwise would have made.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff demand judgment against Defendants, and demand relief as follows:

A. That this Court preliminarily and permanently enjoin Ultramotive, and those officers, directors, agents, employees and any person or entity in active concert or participation with any of them from infringing the '064 patent;

B. That this Court preliminarily and permanently enjoin Permatex, and those officers, directors, agents, employees and any person or entity in active concert or participation with any of them from infringing the '064 patent;

C. That Ultramotive be ordered to deliver up for destruction all infringing dispenser products in its possession or under its control;

D. That Permatex be ordered to deliver up for destruction all infringing dispenser products in its possession or under its control;

E. That this Court award Plaintiff money damages under 35 U.S.C. § 284 sufficient to compensate Plaintiff for the financial damage caused by Defendants infringement, including enhanced damages if the infringement is found to be willful, and its reasonable attorney fees under 35 U.S.C. § 285; and

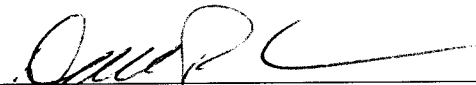
F. That this Court award to Plaintiff such other and further relief as is authorized by statute or is deemed appropriate by this Court.

JURY DEMAND

Rocep Lusol Holdings Limited hereby demands a trial before a jury on all counts contained in its Complaint.

Respectfully submitted,
ROCEP LUSOL HOLDINGS LIMITED

Dated: March 10, 2005

BY: 
DAVID P. PRIMACK (#4449)
Drinker Biddle & Reath LLP
1100 North Market Street, Suite 1000
Wilmington, DE 19801-1254
Tel: 302-467-4224
Fax: 302-467-4201

-and-

Of Counsel

ROBERT E. CANNUSCIO

Drinker Biddle & Reath LLP

One Logan Square, 18th & Cherry Streets

Philadelphia, PA 19103-6996

Tel: (215) 988-3303

Fax: (215) 988-2757

Attorneys for

ROCEP LUSOL HOLDINGS LIMITED